

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Timothy M. Keiser *et al.*
Application No. : **10/655,409**
Confirmation No. : 6575
Filed : September 4, 2003
For : **COMPUTER-IMPLEMENTED SECURITIES
TRADING SYSTEM**
Group Art Unit : 3691
Examiner : Clement Graham
Attorney Docket No. : 98-HSX001-C5
Customer No. : 63710

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUMMARY OF INTERVIEWS AND OTHER DISCUSSIONS

Dear Commissioner:

As used herein, "we," "us," and/or "our" refer to the present Applicant.

The undersigned spoke with Examiner Graham and Primary Examiner Kazimi several times regarding the present application.

During a brief telephone discussion on June 16, 2010, the undersigned tentatively scheduled an interview with the Examiner and Primary Examiner Hani Kazimi for July 21, 2010. During the course of two brief telephone conversations between the undersigned and Examiner Graham on July 15, 2010 and July 19, 2010, the interview date of July 21, 2010 was confirmed.

On July 21, 2010, in a telephone interview, Examiner Graham and Primary Examiner Kazimi and the undersigned discussed the present application, as well as two other pending applications.

The undersigned explained to the Examiners that, notwithstanding any current rejections in the present application and in no way conceding the propriety of any current rejections in the present application, we would like to work with the United States Patent and Trademark Office to find common agreement to move the present application to allowance. Primary Examiner Kazimi in particular requested that the undersigned prepare and file Terminal Disclaimers on behalf of Applicants with respect to the two other pending applications under discussion. The undersigned and the Examiners also generally discussed potential claim language in the present application. No references were discussed. No agreement was reached, but the Examiners agreed to review and consider proposed amendments from the undersigned in the present application and the two other pending applications, notwithstanding the particular stage of prosecution in a particular pending application (e.g., after non-final Office Action, after final Office Action).

To advance prosecution and obtain early issuance of some subject matter this year rather than potentially forgo the issuance of any subject matter at all this year, the Terminal Disclaimers for the present application were provided to the U.S. Patent and Trademark Office as requested on June 23, 2010. On June 26, 2010, in a brief telephone discussion with Examiner Graham, the undersigned explained that Terminal Disclaimers in the present application were filed on June 23, 2010.

On July 27, 2010, in a brief telephone conversation, the undersigned spoke generally with Examiner Graham regarding preparation of a proposed amendment.

Later that day, the undersigned sent an email message to Examiner Graham and Primary Examiner Kazimi explaining that the proposed new claims would be delayed.

On July 29, 2010, the undersigned sent proposed new claims to Examiner Graham and Primary Examiner Kazimi via electronic mail.

In two brief telephone conversations between the undersigned and Examiner Graham on July 30, 2010 and August 3, 2010, another interview with Examiner Graham and Primary Examiner Kazimi was tentatively scheduled for on or about August 10, 2010.

On August 10, 2010, in a second telephone interview, Examiner Graham and Primary Examiner Kazimi and the undersigned discussed the present application, as well as two other pending applications.

During the second telephone interview, the undersigned and the Examiners generally discussed the proposed new claims in the present application. No agreement was reached. The Examiners requested that the undersigned file supplemental amendments in the present application and the two other pending applications. The undersigned agreed to do so in at least one of the two other pending applications, but indicated that the undersigned was hesitant to do so in the present application because the present application was then under Final Office Action.

On August 16, 2010, the undersigned filed a Reply to Final Office Action.

On August 18, 2010, the undersigned sent a copy of the Reply dated August 16, 2010 to the Examiners.

In brief telephone discussions between the undersigned and Examiner Graham on August 18, 2010, and August 19, 2010, the undersigned explained that the Reply dated August 16, 2010 was on file and that the undersigned looked forward to working with Examiner Graham and Primary Examiner Kazimi in the present application.

In a brief telephone discussion on August 26, 2010 between the undersigned and Primary Examiner Kazimi, Primary Examiner Kazimi explained that he would be out of the office for at least a few weeks, after which he and Examiner Graham expected to work with the undersigned to look at results of an updated search that Primary Examiner Kazimi expected Examiner Graham to order on the claims in the Reply dated August 16, 2010.

The undersigned left voice mail messages for Examiner Graham in August and September 2010 to confirm status.

On September 30, 2010, an Advisory Action was sent by the U.S. Patent and Trademark Office in which Examiner Graham refused to enter the claims from the Reply dated August 16, 2010. The undersigned spoke with Examiner Graham in a telephone discussion on October 1, 2010. Examiner Graham and the undersigned agreed that Examiner Graham and the undersigned and Primary Examiner Kazimi will discuss the claims in the present application when Primary Examiner Kazimi returns (Primary Examiner Kazimi had been away from the office for a longer time than originally expected).

On October 27, 2010, the undersigned left a voice mail message for Examiner Graham that went unreturned.

On November 9, 2010, the undersigned contacted Examiner Graham via telephone and received confirmation that at least one Office Action in one of the three related application under

discussion for the last several months was being sent out. The undersigned expressed to Examiner Graham his surprise at learning that an Office Action was being sent out when, notwithstanding the Examiner's internal deadlines to send out Office Actions, the plan had been for Examiner Graham and Primary Examiner Kazimi to discuss the claims and any potential rejections with the undersigned before an Office Action was sent out, and the undersigned's agreement to file Terminal Disclaimers in the three related applications was based and conditioned at least in part on what the undersigned had understood to be an agreement to work with the Examiners.

On November 17, 2010, the undersigned filed a Request for Continued Examination to keep the present application pending and to ensure consideration of, and entry of amendments in, the Reply dated August 16, 2010.

On December 13, 2010, a non-final Office Action was sent out by Examiner Graham.

We do not necessarily concede any "prior art" status of any references discussed during any interview or discussion referenced above or herein. We do not necessarily agree with or acquiesce in any characterization of any claim term or rejection of any claim that Primary Examiner Robinson-Boyce may have made in any Interview Summary or during the pendency of the present patent application. Any amendment language discussed during any interview or any amendments presented for entry here are intended to advance prosecution toward an earlier allowance and/or satisfy our current business objectives.

The undersigned greatly appreciates Examiner Graham's time and Primary Examiner Kazimi's time in speaking with the undersigned regarding the present application.

Respectfully submitted,

Dated: February 28, 2011

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